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Notice of Allowability	Application No.	Applicant(s)	
	10/813,259	CARMONA, AGUSTIN	
	Examiner	Art Unit	
	David J. Walczak	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/30/05.
2. ☒ The allowed claim(s) is/are 3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>Drawing Corrections</u>. |
|---|---|

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the drawings: Amend the drawings as indicated in red ink on the attached sheets.

In the specification:

Page 2: delete lines 1, 2 and 3.

Page 3: delete lines 1, 2, 3, 10 and 11 (lines 10 and 11 are the lines referring to Figs 2A-2L).

Page 4: delete lines 1, 2 and 3,

Line 9: after "piston 14" delete ", a" and substitute --. A--.

Line 11: after "16" insert --is connected to the body--.

Line 13: after "24" insert --is provided--.

Line 15: delete "in (fig. 2B), delete "10B" and substitute --10A--, delete "Next,"

Line 16: delete "one inserts an" and substitute --An--, delete ", is followed by the" and substitute --and a--.

Line 17: after "22" insert --is provided--.

Line 24: after "compartment" delete "s".

Page 5: delete lines 1, 2 and 3

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Line 10: delete "body's" and substitute --body--.

Line 15: delete "s10" and substitute --10--.

Line 17: delete "hallow" and substitute --hollow--.

Page 6: delete lines 1, 2 and 3.

Line 4: delete "BY" and substitute --By--.

In the claims:

Cancel claim 2.

Add the following new claim 3:

--3. A portable toothbrush pen comprising:

a tubular housing body having an open proximal end, an opposite distal end
and a hollow interior portion;

said distal end of said body having a male coupling with a writing element
having a retractable ink cartridge attached thereto;

said open end of said body having a female coupling with a toothbrush head
having bristles thereon attached thereto and

a transmission system for dispensing toothpaste disposed in said interior
portion, through said toothbrush head and onto said bristles.--.

Numerous attempts were made to contact the Applicant to discuss the above
amendments, but the Applicant could not be reached.

Claim 3 is allowed. It is noted that the drawings and specification were amended
to correct minor informalities. It is further noted that page 2 of the drawings (depicting


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Figures 2A-2L) has been canceled completely as the drawings therein are not in the proper format and are not needed as the various elements are clearly shown in other figures. The Applicant needs to submit a new set of drawings with the proposed changes incorporated therein. Each new drawing sheet should be labeled "Replacement Sheet". A copy of page 2/5 (the canceled sheet) is not needed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Walczak
Primary Examiner
Art Unit 3751

DJW
11/18/05

Fig. 2

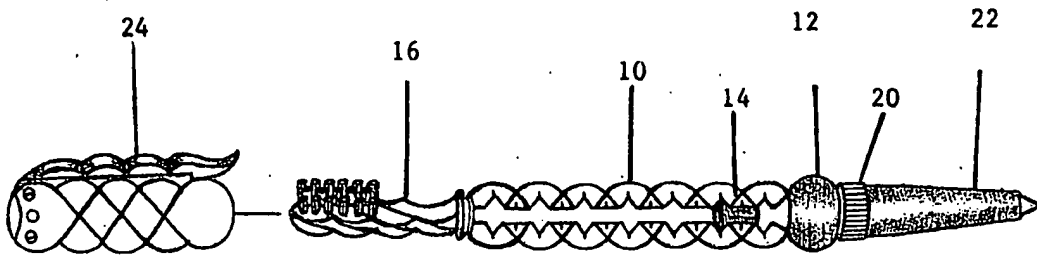
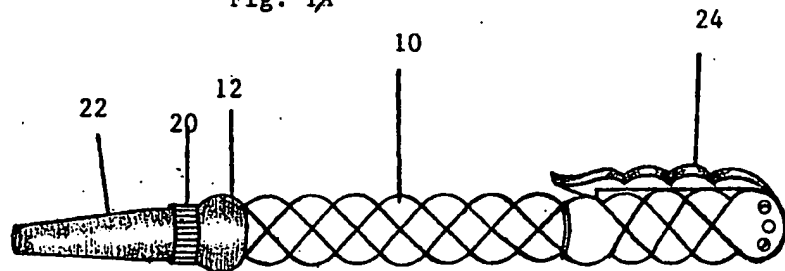
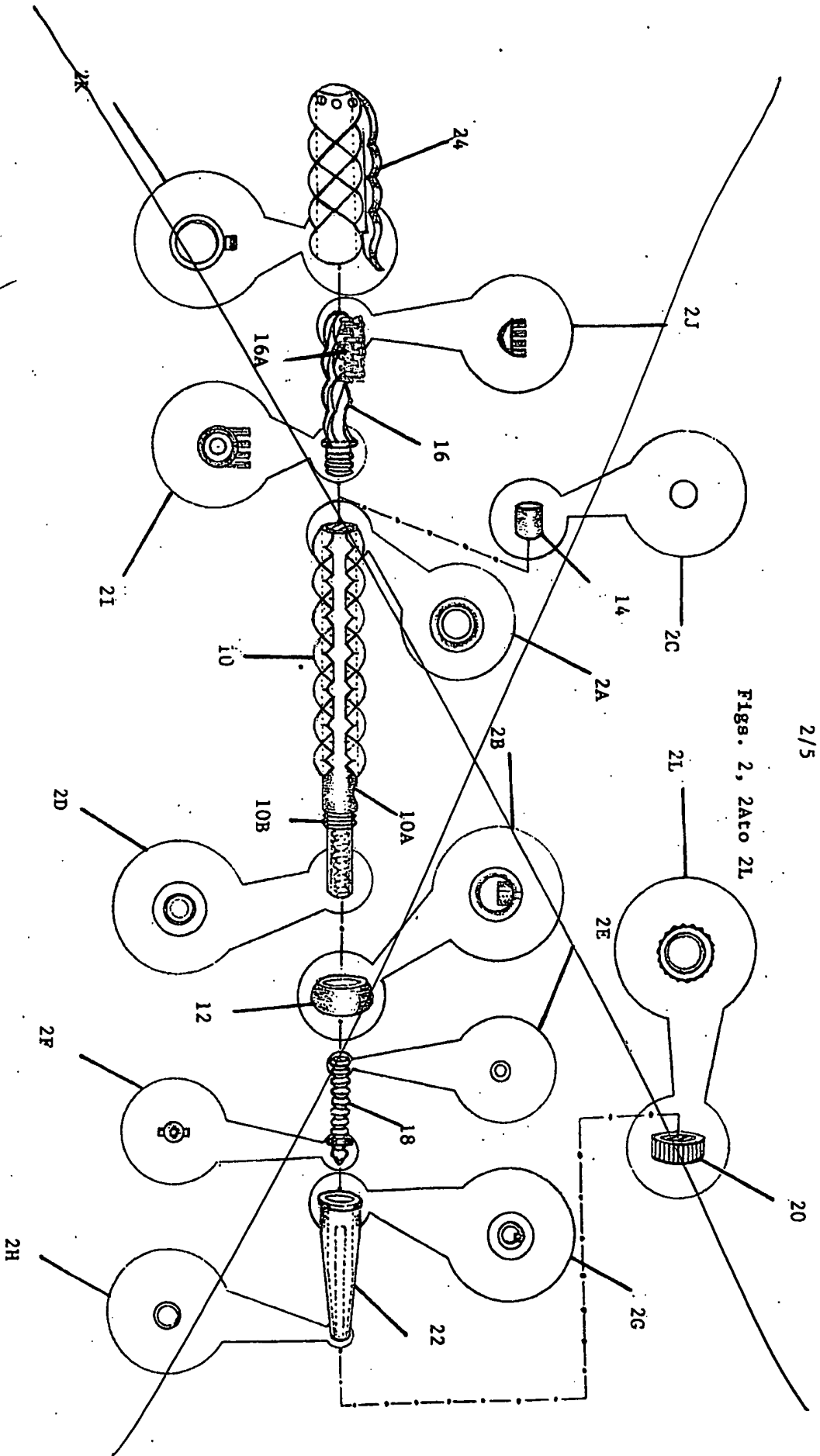


Fig. 1A



Figs. 2, 2A to 2L



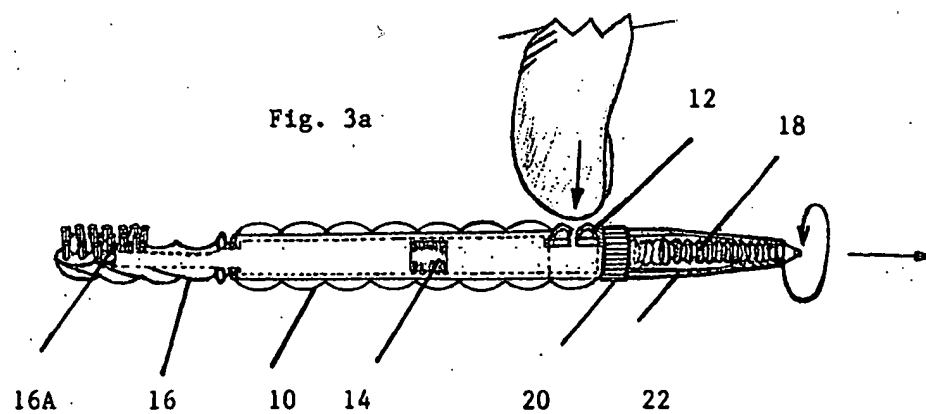
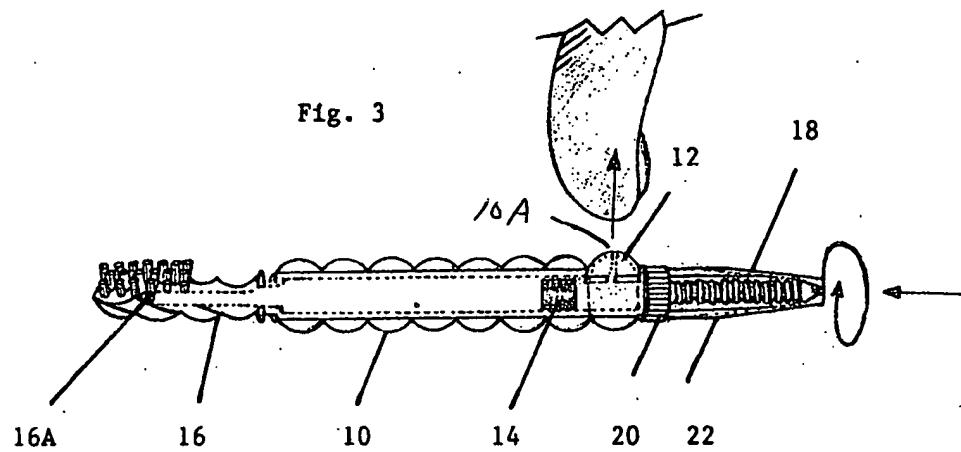


Fig. 5

